

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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	:
LORENZO MCGRUFF,	:
	:
Petitioner,	:
	: ORDER
– against –	: 21-CV-703 (AMD) (LB)
	:
SUPERINTENDENT DOC REARDON,	:
	:
Respondent.	:
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ANN M. DONNELLY , United States District Judge:	

In light of the petitioner’s pending state court proceedings, the Clerk of Court is respectfully directed to close this case administratively. The Court stayed this proceeding on October 19, 2021, to allow the petitioner to return to state court to exhaust the claims he raises, or intends to raise, in his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner has not informed the Court that he has received a decision from the state court, and the Court presumes that the state court proceedings are pending.

The petitioner may reopen his federal habeas petition by filing a letter with this Court at the conclusion of his state court proceedings. The petitioner is warned that he may be barred by the statute of limitations, or on other grounds, from reopening his federal habeas petition if he is denied relief in state court, and then delays seeking to reopen these federal proceedings. The U.S. Court of Appeals for the Second Circuit has found that 30 days is a reasonable period of time in which to reopen a federal proceeding following a state court decision. *See United States v. Zarvela*, 254 F.3d 374, 380-81 (2d Cir. 2001). Accordingly, if the petitioner does not reopen this federal proceeding in a timely way, the respondent may seek to reopen the proceeding,

move—on notice to the petitioner—to vacate the entered stay and to dismiss the petition for failure to prosecute or on other grounds.

CONCLUSION

The Clerk of Court is respectfully directed to mail a copy of this order to the *pro se* petitioner and administratively close this case unless or until either of the parties moves to restore the matter.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 22, 2022